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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,226	10/15/2003	Gregory B. Hale	58085-010203	8102

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EXAMINER	
FISCHETTI, JOSEPH A	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/687,226	HALE ET AL.	
	Examiner	Art Unit	
	Joseph A. Fischetti	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19-26,30-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Mohoney in view of Decker et al and Baranowski (Official Notice evidenced by Gatto et al.).

Mahoney et al. disclose a method of managing the loading of patrons to an attraction in an entertainment environment (see fig. 1 area 66) wherein patrons are permitted access to the attraction on at least two bases, the first being a first-in first-out basis (que 70), and the second being a priority basis established by *a* prior allocation of a time of entry into the attraction (allocated times 52/62/64), comprising:

receiving from a patron a priority request *for an* allocation of a time of entry into the attraction (device 42 receives the request from a patron), the priority request being entered on a device, the priority request being

received at a central computer that regulates the number of patrons allowed to enter the attraction (computer 16 is a line waiting management computer), transmitting to the patron a response including available return times to the attraction, the response including available return times being transmitted to patron (see col. 4,line 12, host computer relays time availability information -read as a return time- to device 42) ; receiving a selection of a return time from the available return times, the selection being made by the patron in response to the transmitted available return times to the attraction (the patron makes his desired selections col. 4 line 18), the selection being made by the patron *via the television unit;* and employing an operation to provide the patron access to the attraction, the operation providing priority access to the patron having the return time, the operation providing first-in first-out access to any patron not having an allocated return time (elements 64/68 allow for access to the facility either FIFO or return time ticket).

However, Mahoney et al. fails to disclose a resort facility related to the entertainment environment and is located remotely from the entertainment environment and entering a priority request on a television at a resort facility; and the response including available return times

being transmitted to patron via the television unit. But, Decker discloses a hotel room (resort room) in which the a television is used to order e.g. Italian food (col. 12 line 49) which restaurant is located remotely of the room from which it was ordered. Decker further discloses ordering using a high speed network using the system controller 140 connected to a television to effect ordering. Official notice is taken of COMCAST which provides high speed network. However, Decker et al. does not appear to take the order directly over the television to the amusement park to obtain attraction priority. But Baranowski does disclose remote ordering to an amusement event to obtain attraction priority using the Internet connection, Col. 13 lines 49-51. It would be an obvious modification to Mahoney et al. to place an ordering system in a hotel e.g. resort, as taught by Decker et al. and to use the television as a means for communicating an order (official notice is taken thereof) and to make the object of the order a reservation request for an amusement attraction as taught by Barnowski et al., the motivation being the use of the television in Decker which already presents the ordering menu on the television to reserve a place in line at an amusement park which is an obvious annexation of a hotel. Gatto is provided as evidence of Official Notice of television ordering and to use it as part of the proposed combination is a mere implementation of

commonly known technology associated with a television.

Re claims 20 and 21,23, 24,26 multiple requests are deemed a mere repetition of steps.

Re Claim 22: the television unit is located in a room of the patron in Decker et al. the room of the patron is associated with the entertainment environment in accordance with the above combination analysis.

Claim 25: Mahoney discloses placing the input device 42 in a common area and the replacement of the device 42 with a TV is set forth above.

Re Claim 30: card 52 in Mahoney is a computer readable magnetic code.

Re Claims 31,32: the device 64 in Mahoney redeems at a time of entry into the entertainment environment.

Re Claims 32,33: Official notice is taken of the practice of tracking outstanding number of unredeemed return times to the number of allocated times, and feeding back redemptions of return times such that near real time updates of return tune availability may be computed. The notice is made

Final.

Claims 27,28,29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohoney in view of Decker et al and Baranowski (Official Notice evidenced by Gatto et al.) as applied above, and further in view of Christie. The proposed combination fails to disclose a prioritization of access. However, Christie teaches that access to a given asset can be controlled by a given privilege level assigned to different user groups. It would be obvious to modify the proposed combination to include tiered access feature of Christie because the motivation for this would be to reward those who use the system most with the greatest access. The ratio of use is deemed to be unity in Mahoney. The exchange and or nonuse of an item for credit is deemed an old expedient in the art, official notice is taken thereof and is made final.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

JOSEPH A. FISCHETTI
PRIMARY EXAMINER

Joseph A. Fischetti
Primary Examiner
Art Unit 3627